

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

09 12.12.2024
Sc Ct. no.2

WPA 22730 OF 2024

Sirajul Islam Molla

Vs.

The State of West Bengal & Ors.

Ms. Shetparna Ray

.... For the Petitioner

Mr. Soumitra Bandyopadhyay

Mr. Srinath Singha Roy

Ms. Suchana Banerjee.

.... For the Respondent

Nos. 1 to 9

Ms. Shetparna Ray, learned advocate appears for the petitioner.

Mr. Soumitra Bandyopadhyay, learned senior State counsel appears for the State respondent nos.1 to 9. He submits a report dated **November 19, 2024** before this Court today, issued under the signature of one **Kajal Sarkar**, the **Block Land & Land Reforms Officer**.

The report confirms that the land belongs to PWD. The report further, on inquiry, confirms that, one **Sri Subrata Sen** is the alleged encroacher on the PWD land.

The petitioner complains of an alleged encroachment on the PWD land. The petitioner submitted a representation dated **April 19, 2024, Annexure P-13 at page-38** to the writ petition through his learned advocate, but the same has not yet been considered.

In view of the above, the jurisdictional Block Land and Land Reforms Officer (B.L. & L.R.O) upon prior notice to the petitioner and the alleged encroacher shall cause a physical inspection of the alleged encroachment and shall submit his report before the petitioner, the alleged encroacher and the jurisdictional Assistant Engineer, PWD.

This exercise shall be carried out and completed by the jurisdictional B.L. & L.R.O. positively within a period of **four weeks** from the date of communication of this order.

In the event such report confirms the alleged encroachment on the PWD land then, the jurisdictional Assistant Engineer, PWD after issuing a prior hearing notice of at least **seven days** to the petitioner and the alleged encroacher and after giving them an opportunity of hearing shall decide the said representation dated **April 19, 2024, Annexure-P13 at page 38 to the writ petition**, as referred to above, by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the jurisdictional Assistant Engineer, PWD positively within a period of **six weeks** from the date of receiving report from the jurisdictional B.L. & L.R.O. The reasoned order shall be communicated to the petitioner and the alleged encroacher positively within a

period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the case of the petitioner and he shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the jurisdictional Assistant Engineer, PWD.

In the event, the reasoned order confirms the alleged encroachment, the jurisdictional Assistant Engineer, PWD shall communicate the order to the jurisdictional Sub-Divisional Officer positively within a period of **three weeks** from the date of the said reasoned order to be passed, who shall take all necessary and consequential steps to give an immediate effect to the said reasoned order in accordance with law positively within **four weeks** from the date of receiving the reasoned order from the Assistant Engineer, PWD.

This order shall not create any right or equity in favour of the petitioner, if he does not succeed to his claim before the jurisdictional Assistant Engineer, PWD strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 22730 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)